

Relevant Planning Precedents

1: Brickhurst Farm

Permaculture community in Pembury, Kent with Low-impact dwellings including benders.

<http://www.brickhurst.org.uk/>

Reference: APP/M2270/A/94/241023/P2, 5 January 1995.

The Inspector in the Brickhurst farm appeal accepted the need to live on the land to be “in tune” with it and that permaculture farming is a material consideration:

“7. The organic element is a key part of your case, particularly permaculture which your client has studied and intends to use. Many bodies and individuals involved in permaculture supported the application, and you urged the adoption of a holistic approach; for permaculture, the farmer should live on his land to be in tune with it, and his need should not be judged only on produce and livestock.

8. I regard the intended farming method as a material consideration, and from the evidence about permaculture, I believe that this holding should not be approached on the basis of a traditional farm.”



2: Tinkers Bubble

Tinkers Bubble is a low-impact community based in Somerset near Yeovil. Temporary permission was granted for a number of low-impact dwellings including benders and yurts in a 20-acre woodland supporting agricultural and forestry enterprises.



http://en.wikipedia.org/wiki/Tinker's_Bubble

Reference: APP/C/94/R3325/635596- 635607, 17 August 1995.

The Inspector stated that he agreed...

“with the Inspector in Pembury that the agricultural method being used is a legitimate material consideration and that such a project should not be judged by the criteria of a normal farm... The alternative lifestyle and the form of the agriculture are, from the evidence presented, manifestly part of the one experiment. It follows that the appellants, if they are to make this experiment, need to live on their land in the countryside. Even if the way of life could be separated from the form of agriculture, I am very doubtful whether it could be acceptably carried on in a town or village, surrounded by people who live a more conventional lifestyle. My conclusion is that the Appellants do have a special need.”

The Secretary of State agreed with the Inspector in this respect: “It is accepted that your clients would have to reside on site to have any chance of achieving their aims.”



3: Steward Community Woodland

Sustainable community in Dartmoor National Park with a number of low-impact dwellings sited in a woodland.

“a permaculture project which aims to demonstrate the value of integrating conservation woodland management techniques with organic growing, traditional skills and crafts and low-impact sustainable living.”

<http://www.stewardwood.org/>

Reference: APP/J9497/A/Ol/l063114, 3 September, 2001.

In 2001 a Section 78 appeal was dismissed, partly on the grounds that the proposal did not meet the tests in Annex I (although it was accepted that this guidance was not “completely relevant”). A subsequent Section 174 appeal was allowed in August 2002. Part of the Inspector’s reasoning was as follows:

“In this instance the appellant does not seek a permanent permission and expressly wishes to avoid a situation where what he describes as “high impact, unsustainable housing” and which others might describe as conventional housing for forestry workers, would be permitted as a result of this appeal. His intention (and that of the group who live on site) is to live by what amounts to subsistence farming and forestry in order to demonstrate that sustainability is not simply a theory but has practical application and benefits for the locality. Accordingly it would be inappropriate to apply the tests of functional and financial viability in paragraphs I5 to I13 of Annex I to this development, because there is no intention of the development becoming permanent.”



4: King's Hill

Bender site in Somerset where affordable housing was cited as the main need. Turned down initially when sited in the open but approved after the benders were moved into a woodland.

Reference: APP/Q3305/C/95/637457, 637503, 637589. APP/Q3305/A/95/248044 & A/99/102/8348, 1999.

The Secretary of State granted permanent planning permission for the use of the land for the siting of up to 16 low impact dwellings within a woodland garden setting.



5: Quicken Wood

Sustainable smallholding in Framfield, Sussex.

Reference: APP/CI435/C/03/1114412, October 2003.

Two dwellings (for two families) were given permission in an AONB in Sussex, where the primary functional need was to live a sustainable lifestyle. The inspector's reasoning was this:

"The Local Plan... follows Annex I of PPG7 by setting out functional and financial test to scrutinise proposals in order to prevent unnecessary and unjustified development. However, they have been drawn up with conventional commercial farming and forestry activities in mind and are not, therefore, entirely appropriate in application to a subsistence way of living..."

5: Quicken Wood (continued)

19. ...the underlying objective of this venture which is to live a sustainable and ultimately self-sufficient subsistence lifestyle. It has been pointed out that some of the projects, such as the remedial work to the woodland could be carried out if the Appellants lived elsewhere. However, the holistic approach would be lost and much of what the appellants seek to achieve, for example in recycling and utilising renewable energy, could not be realized to the same degree living in a conventional dwelling. In my opinion, the fundamental aims behind the Appellants' venture on this site cannot be achieved unless they are to live there and in that respect a functional, if unconventional, need for the dwellings can be said to exist.

24. ...To take a more rigid approach to the application of policy would be to deny the Appellants the opportunity to live a lifestyle which has at its heart the principles of sustainability. Such principles are a fundamental part of current government planning policy although few people would envisage the extreme way of living that is proposed here. In this respect, a distinction can be drawn with those who have a personal preference to live in the countryside because it is a nice place to live. Here the countryside location is necessary in order to enable the Appellants to live the lifestyle they have chosen..."

6: Ourganics

Low-impact dwelling with an organic market garden and education centre in Litton Cheney, Dorset.



http://www.transitiontownbridport.co.uk/Content/9_.asp

Reference: APP 1/D/09/001292 August 2009.

Given full permission for agricultural workers dwelling in relation to permaculture project and educational use of land. The decision was based on a functional need for running the holding according to permaculture principles and the long hours worked. The planning committee gave serious consideration to her business figures, which were lower than the average farming income, in light of Paragraph A of PPS7. 24. ...To take a more rigid approach to the application of policy would be to deny the Appellants the opportunity to live a lifestyle which has at its heart the principles of sustainability. Such principles are a fundamental part of current government planning policy although few people would envisage the extreme way of living that is proposed here. In this respect, a distinction can be drawn with those who have a personal preference to live in the countryside because it is a nice place to live. Here the countryside location is necessary in order to enable the Appellants to live the lifestyle they have chosen..."

7: Fivepenny Farm

Low-impact smallholding in Wootton Fitzpaine, Dorset.

http://www.transitiontownbridport.co.uk/Content/12._fivepenny_farm.asp

Reference: APP/F1230/C/04/1162420, March 2005.

Granted permanent permission in 2009. The inspector recognised the need for the two families to reside on the land to make their enterprise work. He applied the assessment criteria for the occupational dwellings “to the extent that they are relevant to the enterprise concerned” (PPS7 Annex A, paragraph 15) and further stated:

“22. Whilst conventional agriculture places emphasis on production and financial efficiency, enterprises such as the appellants’ whilst necessarily paying due attention to such matter, also attach considerable weight to issues such as sustainability, diversity, and an organic approach to soil fertility and pest control. The time is long past when such an approach could be regarded as eccentric or utopian, and a modern approach recognises that there is room in agriculture for farms embracing both approaches. The numerous references in PPS7 to the importance of sustainability lends support to such a view.



23. ...I consider that, whilst the degree to which the appellants embrace self-sufficiency in their home life may be a matter of personal choice, the form of agriculture they have chosen is not. Against the background of government advice the choice of this type of farming is no more an expression of merely personal preference than the choice of anyone who decides to pursue more conventional farming methods.”

8: Hugletts Wood Farm

Multifunctional smallholding involving charcoal production, working oxen, a vineyard, vegetables and poultry in Dallington, Sussex.

Reference: APP/Cl435/C/00/1050705, July 2001.

Hugletts Wood Farm is a good example of an appeal being allowed for a multifunctional smallholding where the complex mixture of activities was seen to contribute collectively to a functional need:

“43. However, the scale of the individual components of the range of activities undertaken by the appellant and his partner is undoubtedly small. Many are seasonal. Much also lies in future acquisitions and development. Each component at its present level would not, in itself, justify a temporary dwelling, or at best, would provide only marginal support.

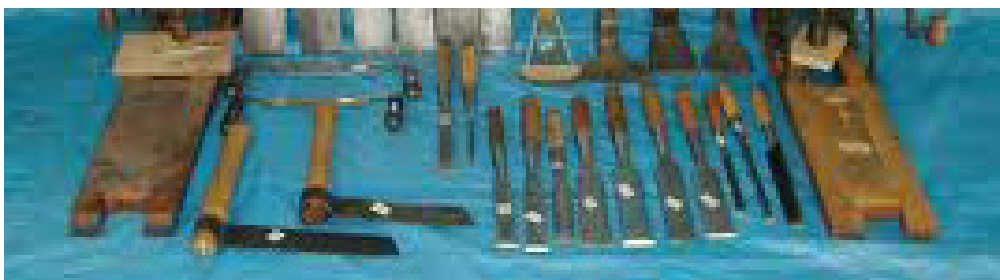
44. Nonetheless, this is a complex enterprise where there is a substantial inter-relationship between the individual component uses. The organic nature of the enterprise, as existing and as intended to be developed, and the intimate working relationship with the land and stock brings with it an increased workload that provides a contrast to the mechanized, large-scale methods of conventional farming practices. To my mind, the nature of the operation and its needs are far removed from those of more conventional farming operations that advice in PPG7 seeks to address. That is not to say advice in PPG7 or the Council's policies are not relevant in this case, but I believe they need to be addressed in context...

The future success of the enterprise appears to rely on the ability of the operators to maintain and manage the inter-relationship between the activities that, in turn, largely depends on the skill and expertise of the appellant and his partner. Such a range of activity would in my view, demand expert attention, often at short notice and often at unsocial hours. It would be difficult to envisage the way in which such an operation might be carried out successfully and ordinarily other than from a dwelling close at hand."

"The Local Plan... follows Annex I of PPG7 by setting out functional and financial test to scrutinise proposals in order to prevent unnecessary and unjustified development. However, they have been drawn up with conventional commercial farming and forestry activities in mind and are not, therefore, entirely appropriate in application to a subsistence way of living...

19. ...the underlying objective of this venture which is to live a sustainable and ultimately self-sufficient subsistence lifestyle. It has been pointed out that some of the projects, such as the remedial work to the woodland could be carried out if the Appellants lived elsewhere. However, the holistic approach would be lost and much of what the appellants seek to achieve, for example in recycling and utilising renewable energy, could not be realized to the same degree living in a conventional dwelling. In my opinion, the fundamental aims behind the Appellants' venture on this site cannot be achieved unless they are to live there and in that respect a functional, if unconventional, need for the dwellings can be said to exist.

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9: Plants for a Future

Horticultural research centre in Blagdon Cross, Devon.

Reference: T/APP/W1145/A/99/1034645/P2, 1st June 2000.

Plants for a Future is vegan-organic research charity that developed a demonstration site in Devon. They received permission based on their philosophy towards sustainable food production:

“29. An important consideration would seem to me to be the scheme’s novel, but sustainable method of food production which would be wholly compatible with the underlying purpose of the Government’s commitment to the kind of development whereby current needs might be met without compromising the ability of future generations to meet theirs.

33. The temporary dwelling would... facilitate 24 hour hands-on supervision of the plants, an important part of the appellant’s philosophical approach to food production. These matters do not strictly accord with the requirements set out in PPG7, but seem to me to be valid supporting considerations in the circumstances of the case.”

10: Landmatters Permaculture Project

Low-impact community in Totnes, Devon.
Approval for residential use of the site with benders, yurts, wooden building.



<http://landmatters.org.uk/>

Reference: APP/K1128/A/06/2018778, 10th June 2010.

The inspector stated:

“13. The land is worked and occupied by the Appellants as a permaculture project. For the purposes of these appeals, I accept the definition of ‘permaculture’ adopted by both main parties, namely: ‘the conscious design and maintenance of agriculturally productive eco-systems which have the diversity, stability and resilience of natural eco-systems... the harmonious integration of landscape and people, providing their food, energy, shelter and other material and non-material needs in a sustainable way’.

10: Landmatters Permaculture Project (continued)

20. The rural landscape of which the appeal site forms part is... worthy of protection. However, within public views, only a small car park at the appeal site entrance and a long distance sighting of the barn from [the village] signify the Appellants' presence. All yurts, benders and other temporary accommodation and facilities are sited in a secluded part of the Landmatters holding, and could be restricted to that location by condition... The visual impact of the appeal development on the countryside and the landscape character of the AGLV is therefore very limited, such that I find no serious conflict with the objectives of SP Policies CO1 or CO4 or LDF Policy CS9.

22. ...Moreover, I find that any repercussions that this might have for the countryside would be greatly mitigated by the low impact design of the accommodation and the Appellants' commitment to traditional farming methods and sustainable travel arrangements.

38. ...Annex A makes it clear that whether residential accommodation is essential in any particular case will depend on the needs of the enterprise and, in any event, this project goes well beyond the conventional. Inherent in the concept of permaculture is the implementation of wide-ranging and inter-related sustainable initiatives on a single agricultural site in a communal way. I am thus persuaded that various activities set out in the Appellants' land management and enterprise plans should be considered cumulatively rather than individually, so that a holistic view of the overall project can be taken.

39. I am also satisfied that the evidence before me demonstrates clearly that, in order to practice permaculture properly and successfully on the scale envisaged in this case, a substantial and continuous residential presence is essential.

44. In such a context, I find there to be considerable ecological, educational and cultural benefits in further exploring permaculture. In my view, these do not derive from the underpinning ethos of communal living... but rather from the development of and experimentation with sustainable technologies and agricultural practices which that way of life facilitates. I do not find the fact that similar projects are already established, such as that at Tinker's Bubble in Somerset, to diminish the potential importance of an additional permaculture scheme. Experiments can build on the findings of previous trials rather than merely replicate what has gone before, and it is clear from the academic support for these appeals that permaculture is still an evolving concept. ”



12: Ecological Land Co-op

Three smallholdings with low-impact buildings supporting organic farm businesses in Greenham Reach, Devon.

<http://ecologicalland.coop/>

Reference: APP/Y1138/A/12/2181808, 2181821 and 2181807, 18th April 2013.

The inspector stated:

“20. The proposed development seeks to use the land’s resources in a sustainable manner, aiming to develop ecosystems which have the diversity, stability and resilience of natural systems. Each of the smallholdings proposes to minimise its reliance on imported materials and energy derived from fossil fuels, so as to minimise its carbon footprint, and thus would be more labour-intensive, and require more human intervention, than more conventional, mechanised agricultural enterprises.

24. However, it is important to have regard to the full extent and context of the proposals for Greenham Reach. Fundamental to the establishment and operation of the smallholdings are the appellant’s aims of addressing the need to reduce the negative environmental impacts of conventional farming and globalised food distribution, and the need to facilitate and learn from low-impact development. To that end, they have put in place extensive safeguards to ensure that the proposed smallholdings would be operated in accordance with the principles of low-impact development, while providing opportunities for research into its operation and effect.

30. Moreover, the requirements and restrictions of the Management Plan, along with others contained in the leasehold agreements and the S.106 Undertaking, would be likely to deter prospective tenants who might simply be seeking a means of obtaining a dwelling in the countryside. Living a low-impact lifestyle and developing a symbiotic relationship with the land involves foregoing some of the normal trappings of modern day life while engaging in extensive, and at times very intensive, physical labour.”

